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UNCLAS MADRID 003649

SIPDIS

FOR CA/VO/L/C - ATTN: MONIQUE HOUCK

E.O. 1298: N/A

TAGS: CVIS SP

SUBJECT: REQUEST FOR SECURITY ADVISORY OPINION

¶1. Post requests an advisory opinion in the case of Ryan Air pilots applying for C1/D and B1/B2 visas to work in the United States for a six month period. Over the past year, Madrid has seen several cases of pilots requesting visas for six weeks of training, followed by approximately 5 months of flying, based in airports in the United States. Ryan Air usually submits letters requesting B1/B2 visas for spouses and children of the pilots as well, indicating that they are indeed living in the United States.

¶2. When Conoff contacted Ryan Air contact C. David Ray, Vice President of Operations for Ryan Air in Wichita, KS, she was told that while there was supposedly a training aspect of these trips to the US, "they actually work from day one," based usually in airports in Minneapolis and Milwaukee flying to the Caribbean. The idea is that they would be in B1/B2 status while in the United States, and in C1/D status while flying.

¶3. Please advise the appropriate visa category for the above work. With clear work responsibilities and residence in the United States, even for a limited period of time, these foreign pilots are providing a constant source of labor for Ryan Air, without being subject to the restrictions on foreign labor set by the Immigration and Nationality Act.

ARGYROS